

OFFICE OF THE LIEUTENANT GOVERNOR <u>CERTIFICATE</u> OF ANNEXATION

I, SPENCER J. COX, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, HEREBY CERTIFY THAT there has been filed in my office a notice of annexation of the NORTH TOOELE CITY SPECIAL SERVICE DISTRICT, dated August 17th, 2015, complying with Section 17D-1-403, Utah Code Annotated, 1953, as amended.

NOW, THEREFORE, notice is hereby given to all whom it may concern that the attached is a true and correct copy of the notice of annexation, referred to above, on file with the Office of the Lieutenant Governor pertaining to NORTH TOOELE CITY SPECIAL SERVICE DISTRICT, located in Toole County, State of Utah.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Great Seal of the State of Utah this 16th day of October, 2015 at Salt Lake City, Utah.

SPENCÉR J. COX Lieutenant Governor



Notice of Impending Boundary Change

October 13, 2015

Lieutenant Governor Spencer J. Cox State Capitol Complex P.O. Box 142325 Salt Lake City, UT 84114-2325 Via email: annexations@utah.gov

Dear Lieutenant Governor Cox:

This letter is to inform you of the <u>annexation</u> of area into the <u>North Tooele City Special Service District</u>. Such annexations are governed by U.C.A. Chapter 17D-1 Parts 2 and 4. Section 17D-1-403 regards the notice to the Lieutenant Governor. This letter is also intended to serve as a Notice of Impending Boundary Change. I certify that all actions applicable to this boundary change have been met. Enclosed you will find copies of the following documents:

- municipal body resolution approving the annexation
- approved final local entity plat

We look forward to receiving a Certificate of Annexation from your office.

Sincerely,

Michelle Y. Pitt

Tooele City Recorder

TOOELE CITY CORPORATION

RESOLUTION 2015-36

A RESOLUTION OF THE TOOELE CITY COUNCIL APPROVING THE ANNEXATION OF SUNSET ESTATES PHASE 6 SUBDIVISION INTO THE NORTH TOOELE CITY SPECIAL SERVICE DISTRICT.

WHEREAS, the creation of special service districts is governed by U.C.A. Chapter 17D-1 Part 2, and the procedure for annexing additional property into an existing special service district is the same as for the existing special service districts original creation; and,

WHEREAS, on June 16, 1999, the City Council approved Resolution 1999-29 for the creation of the North Tooele City Special Service District ("District") for the purpose of maintaining the unique features of the Overlake subdivisions; and,

WHEREAS, on December 17, 2003, the City Council approved Resolution 2008-62 for the annexation into the District of 30.69 acres, which comprised portions of the Sunset Estates subdivisions; and,

WHEREAS, on January 7, 2015, the City Council approved Resolution 2015-06 for annexation into the District of an additional 5.42 acres into the District, which comprise Sunset Estates phase 5; and,

WHEREAS, Tooele City has received a Petition from Hallmark Homes and Development, Inc., ("Petitioner") to annex an additional 10.31 acres into the District, which comprise Sunset Estates phase 6 ("Additional Property") (see the Petition, plat map, and legal description attached hereto as Exhibit A); and,

WHEREAS, because the Additional Property is held in common ownership by Petitioner, Tooele City and the Petitioner are relieved of complying with the Notice, Protest, and Public Hearing requirements of U.C.A. Sections 17D-1-205, 206, and 207, and the annexation may be approved simply by approving this Resolution, obtaining a Certificate of Incorporation from the Utah Lt. Governor, and recording the required documents with the Office of the Tooele County Recorder; and,

WHEREAS, the annexation of additional Sunset Estates property into the District, as proposed by this Resolution, has been requested not only by the Petitioner, but also by current and former members of the City Council, City Planning Commission, and District Administrative Control Board; and,

WHEREAS, the purpose of the District in annexing the Additional Property will be to maintain within the Additional Property special features related to the unique design of street lighting and other signage, drainage and flood control, recreation properties, street design and traffic calming features, and associated and integral landscaping; and,

WHEREAS, in addition to the above purposes, annexation into the District will also allow Tooele City to impose upon and enforce with the Additional Property the construction and maintenance of design standards common to the District, including the privately-owned and Privately-maintained privacy fence along 2000 North Street, rather than defaulting to Tooele City's regular design standards for such features; and,

WHEREAS, the District will maintain only those features and areas formally accepted by and dedicated to Tooele City; and,

WHEREAS, the City Council finds that it is in the best interest of the City in general and of District residents in particular, including the future residents of the Additional Property, to annex the Additional Property into the District; and,

WHEREAS, all requirements of the law precedent to the approval of this Resolution have been fully met:

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that the annexation of the Additional Property into the District is hereby approved, and that the City Recorder is hereby instructed to file and record the necessary documents with the Utah Lt. Governor and the Tooele County Recorder.

This Resolution shall become effective upon passage, without further publication, by authority of the Tooele City Charter.

IN WITNESS WHEREOF, this Resolution is passed by the Tooele City Council this 1911 day of 1915.

| | TOOELE CIT | Y COUNCIL | |
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| | MAYOR OF TO | OOELE CITY | |
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| ATTEST: | | | |
| Michelle Pitt, City Res | order | | |
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Exhibit A

Petition, Map, and Legal Description of the Additional Property

PETITION

FOR ANNEXATION OF ADDITIONAL AREA TO THE NORTH TOOELE CITY SPECIAL SERVICE DISTRICT, TOOELE CITY, TOOELE COUNTY, STATE OF UTAH

The undersigned persons (hereinafter referred to as the "Petitioners") hereby represent that they are the persons holding title to certain real property in Tooele City, Tooele County, State of Utah, more particularly described below, and referred to hereinafter as the "Additional Area":

(INSERT LEGAL DESCRIPTION)

The Petitioners herby represent that there are no other persons holding title to the Additional Area.

The Petitioners desire to receive and accept the rights and responsibilities attendant to annexation of the Additional Area into the North Tooele City Special Service District.

Therefore, the Petitioners hereby petition and request that the Additional Area be annexed to the North Tooele City Special Service District.

Dated this 31 day of July 2015 Signed:

Hallmark Homes

Rustin J Tolbert

the south limits of Lot 1 of said Plat because of the Plat vs. measured bearings of the Section line. That small difference is reflected hereon along the south line of Lot 1 with plat vs measured distances on the first course east of 400 West Street. Placing the difference on this line allows the remaining perimeter of the plat to match the adjacent plats to the east, as is their intent.

10. This Survey represents an independent resurvey of a portion of the property shown on a 2010 Survey prepared by this office and filed with the County Surveyor's Office (File No. 2010-0042-01).

LEGAL DESCRIPTIONS

DEED ENTRY No. 320960 DEED ENTRY No. 324837

Beginning N89°41'57"E 42.00 feet from the Southwest Corner of Section 9, T3S, R4W, S.L.B.& M.; thence N0°22'45"W 362.00 feet; thence N89°41'57"E 422.48 feet; thence S84°48'16"E 67.89 feet; thence N89°41'57"E 260.31 feet; thence N0°22'45"W 343.06 feet to the southwest corner of property conveyed by Warranty Deed recorded 9/12/05 as Entry No. 246810; thence N89°36'22"E 262.47 feet; thence N0°23'38"W 160.00 feet; thence N89°36'30"E 130.00 feet; thence N0°23'38"W 128.98 feet; thence leaving said property lines N89°41'57"E 136.91 feet to a point on a 1/16th line; thence S0°23'38"E along said 1/16th line a distance of 988.16 feet to the Southeast Corner of the SW1/4 of the SW1/4 of Section 9; thence S89°41'57"W along aid Section line a distance of 1,279.92 feet to the point of beginning.

TITLE REPORT

A portion of the SW1/4 of Section 9, Township 3 South, Range 4 West, Salt Lake Base & Meridian, located in Tooele, Utah, more particularly described as follows:

Beginning at the intersection of the south line of Section 9 and the easterly right-of-way of 400 West Street as described and platted as a part of CLARKE N. JOHNSEN JUNIOR HIGH SCHOOL SUBDIVISION, according to the Official Plat thereof on file in the Office of the Tooele County Recorder, located N89°41'57"E along the Section line 42.00 feet from the Southwest Corner of Section 9, T3S, R4W, S.L.B.& M.; thence along said plat the following 5 (five) courses and distances: N0°20'08"W 362.00 feet parallel with, and 42.00 feet easterly of the west line of said Section 9; thence N89°41'57"E 422.20 (plat: 422.48") feet; thence S84°48'16"E 67.89 feet; thence N89°41'57"E 260.31 feet; thence N0°22'45"W 343.06 feet to the southwest corner of Lot 1, EAGLE VIEW ESTATES LDS CHURCH SUBDIVISION, according to the Official Plat thereof on file in the Office of the Tooele County Recorder; thence N89°36'22"E along said plat 262.47 feet to the northwest corner of Lot 522, SUNSET ESTATES SUBDIVISION PHASE 5B, according to the Official Plat thereof on file in the Office of the Tooele County Recorder; thence along said plat the following 6 (six) courses and distances: S17°43'05"E 104.65 feet; thence S89°56'46"W 27.30 feet; thence S0°03'14"E 60.00 feet; thence S0°26'47"W 237.09 feet; thence S7°43'54"W 242.56 feet; thence S0°18'03"E 62.00 feet to the south line of Section 9; thence S89°41'57"W along the Section line 978.64 feet to the point of beginning.

Contains: 10.31+/- acres

SURVEYOR'S CERTIFICATE

"I, Dennis P. Carlisle, do hereby certify that I am a Professional Land Surveyor, and that I hold Certificate No. 172675 in accordance with Title 58, Chapter 22 of Utah State Code. I further certify by authority of the owners(s) that I have made a Survey of the lands shown on this Plan and that is correctly represents the existing conditions as shown. This Plan does not represent a certification to the title or ownership of the lands shown hercon."

Dennis P. Carlisle Professional Land Surveyor Certificate No. 172675 Date

